

REMARKS

Reconsideration and allowance of the current application are requested. No new matter has been added.

Rejections under 35 USC § 103

Claims 1-21 are rejected under section 103(a) as allegedly being unpatentable over Westerman (U.S. Patent No. 6,404,443) in view of Young (U.S. Patent No. 6,177,933) and Becker et al. (U.S. Patent No. 6,981,223). These rejections are traversed.

The claims are patentable over the cited references for at least the reasons that 1) the cited references do not disclose features of the independent claims and 2) the combination of the references is not obvious because the any combination of the references would not result in the claimed subject matter.

Cited References Do Not Disclose Features of the Independent Claims

Independent claims 1, 11, and 21 include features not disclosed in the cited references such that a combination of the references would not result in the claimed subject matter. In particular, none of the cited references disclose a background region for a GUI for each object group based on the assigned graphic pattern for the corresponding relationship for the object group, where graphic patterns are distinct for each relationship for an object group.

For example, claim 1 recites, in part:

“assigning a graphic pattern that is distinct for each relationship;...
generating a background region for the GUI for each object group based on the assigned graphic pattern for the corresponding relationship for the object group.”

Claim 11 recites similar features. For example, claim 11 recites, in part:

“two or more background regions concurrently displayed in the GUI, each background region being based on a graphic pattern that is distinct, and the graphic pattern being assigned to a relationship in an arrangement defined for a plurality of object groups, each object group including one or more graphical user interface objects, the two or more background regions being arranged so that they do not overlap.”

Claim 21 recites similar features. For example, claim 21 recites, in part:

“two or more background regions concurrently displayed in the GUI, each

background region being based on an opaque graphic pattern that is distinct, and the graphic pattern being assigned to a relationship in an arrangement defined for a plurality of object groups.”

Westerman is alleged to disclose these features, but this is not the case. Westerman is alleged to disclose these features of the claims; however, the alleged sections of Westerman are either a mischaracterization or a combination of unrelated sections of the disclosure such that, when pieced together, there is no disclosure of the claimed features.

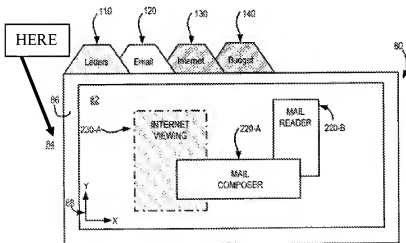
For example, claim 1 recites, in part:

“generating a background region for the GUI **for each object group based on the assigned graphic pattern.**” (emphasis added).

One section of Westerman is alleged to disclose generating a background region in column 5, lines 19-21, yet, there is not a background region for the GUI for each object group based on the assigned graphic pattern, let alone where the assigned graphic patterns are distinct for each relationship. That section of Westerman discloses:

“Optionally and preferably a frame 86 surrounds viewport display area 82. The frame is preferably shown colored in a sharp color contrast from the background color of second portion 84.”

At best, that section discloses that a background color may be used for the second portion 84. And, as shown in FIG. 3:



that background color is not “for each object group based on the assigned graphic

pattern” or “two or more background regions ...each background region being based on a graphic pattern that is distinct,” Rather, it is static, as screen objects (which are alleged to be the object groups of the claims) may change.

Similarly, as discussed in the previous response, Westerman describes an arrangement in which different planes or windows each include a tab (which may be differently displayed), the activation of which, causes the corresponding plane or window to be displayed; yet, there is no suggestion within Westerman that such planes have background regions include distinct patterns.

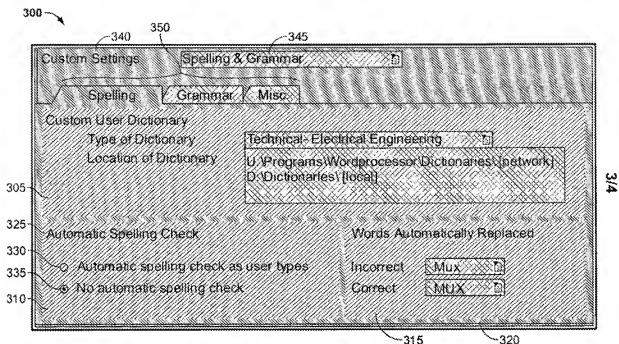
As another example, the rejection uses unrelated sections of Westerman to allege a disclosure of the subject matter of the claims. In particular, claim 1 recites in part:

“generating a background region for the GUI for each object group based on the assigned graphic pattern.” (emphasis added)

The assigned graphic patterns of Westerman are alleged to be the tabs or icons of Westerman (page 3 of official action), yet it can hardly be said that those tabs or icons are related to the background 84 such that, similar to the claim language, the background 84 would be generated based on assigned icons or tabs.

As per the other cited references, neither of those discloses these features or would be combinable with Westerman to provide these features. Thus, the independent claims are not obvious in view of the cited references.

This difference is significant as, for example, user interfaces similar to the user interface of FIG. 3 could be generated where each object group represented by graphical structures has a distinct graphic pattern such that groups of objects may be intelligently arranged and that arrangement may be reflected by a visual cue provided by the different background regions:



Combination Not Obvious

The combination of the references is not obvious because any combination of the references would not result in the claimed subject matter of independent claims 1, 11, and 21.

Combination Would Not Result in Claimed Subject Matter

For claimed subject matter to be obvious, there must be some reason to modify a combination of references to reach a combination of features **as claimed**. Picking and choosing references or portions of references without sufficient reason regarding whether the combinations result in the claimed subject matter is not sufficient. The Board of Patent Appeals and Interference more recently stated in a similar fashion when it cited *Ecolochem Inc. v. Southern California Edison* in the process of reversing obviousness rejections:

In other words, "there still must be evidence that 'a skilled artisan, ... with no knowledge of the claimed invention, would **select the elements from the cited prior art references for combination in the manner claimed.**'" *Ex parte Goldberg et al*, Appeal No. 2003-0837, FD030837 (Feb. 26, 2004) (Citing *Ecolochem Inc.*, 227 F.3d 1361, 1375, 56 USPQ2d 1065, 1075-76 (Fed. Cir. 2000)) (emphasis added).

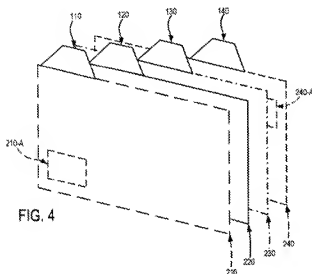
In the present case, there is insufficient reason to combine the features of the cited references to reach the subject matter as claimed in the independent claims; thus, the independent claims are not obvious over the cited references.

The Cited References

As an initial matter, each of the disclosures of the cited references will be discussed, followed by a discussion of why these references would not be combined to reach the claimed subject matter.

Westerman

Westerman discloses the use of a three-dimensional graphical user interface for managing screen objects. Title; Abstract. The screen objects in Westerman are applications, such as mail composer or internet browser. FIG. 3. In Westerman, screen objects are grouped in various planes across a Z-axis. Abstract; FIG. 4. For example, FIG. 4 shows planes, with their tabs, across a Z-axis:



Young

Examples of Young are directed to desktop publishing and word processing applications, such as Adobe FrameMaker. Col. 1:29. Young discloses displaying data from multiple electronic files such that corresponding data are positioned in a same location across multiple pages. Abstract. To display different pages, different tabs may be selected. Abstract. Claim 1 provides an example of the disclosure of Young:

“retrieving a first set of data stored in a first electronic file and a second set of data stored in a second electronic file, the second set of data having a generative relationship to the first set of data;

arranging the first set of data on a first page and the second set of data on a second page by tracking the first set of data and aligning the second set

of data on the second page based on an arrangement of the first set of data on the first page;

assigning a first display location to the first page and a second display location to the second page so that as a first one of the first and second pages is displayed on a computer monitor the first one of the first and second pages appears to substantially overlay a second one of the first and second pages.” (emphasis added).

Example applications in word processing for the disclosure of Young include comparing local and global property values, and comparing a template with text generated from the template. Col. 2: 21-29. As an example of comparing local and global property values, FIG. 2A and FIG. 2B have a similar layout on a right-hand side of their user interfaces. For example a font type and font size are arranged in a same position across selected text and character styles tabs:

FIG. 2A

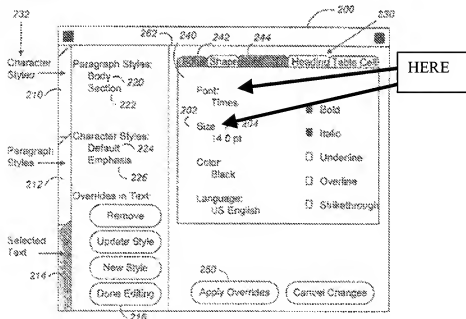
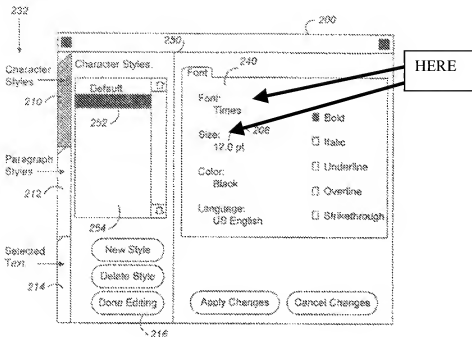
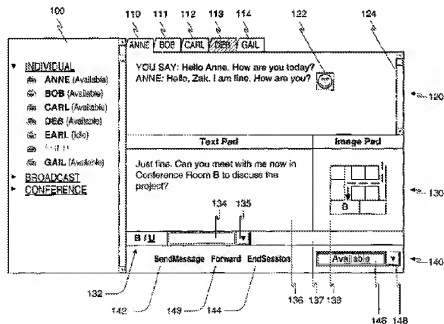


FIG. 2B



Becker

Becker discloses a graphical user interface for managing multiple messaging sessions through use of tabs. Title; Abstract. FIG. 1 provides an example user interface, where multiple components of a messaging session may be displayed, a tab 110 shows an active messaging session and other tabs 111-114 show other sessions:



The Cited References Would Not be Combined to Reach the Claimed Subject Matter

The given reasons to combine the references are not sufficient to reach the claimed subject matter on its own, and, in combination with other teachings in the references, there is insufficient reason to combine the references in the manner claimed.

Combination of Westerman and Young Not Sufficient

The given reason to combine Westerman and Young includes:

It would have been obvious to an artisan at the time of the invention to combine the relationship in the arrangement of Young into the method of generating a GUI of Westerman. Said artisan would have been motivated to combine Young into Westerman to allow for retaining visual continuity between data sets displayed on a computer monitor. (i-e. see col. 2 line 2 et seq. of Young).

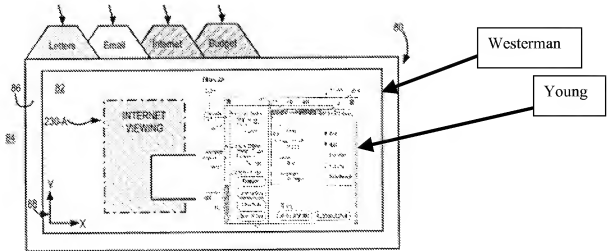
This reason is not sufficient to produce the portions of the claimed subject matter allegedly disclosed by those references. In particular, the combination that is alleged is that a user interface with planes grouping various objects across a Z-axis would be combined with relationships among global and local properties or relationships among a document and a template to result in, for example:

defining an arrangement for a plurality of the object groups, each object group corresponding to at least one relationship in the arrangement;
assigning a graphic pattern that is distinct for each relationship;
generating a graphical structure for each object to be represented in the GUI;
generating a background region for the GUI for each object group based on the assigned graphic pattern for the corresponding relationship for the object group. Claim 1.

Allegedly, the two cited references would be combined to provide “visual continuity.” However, this does not make sense and the reason is not sufficient to produce the combination of claimed subject matter alleged to be covered.

For example, this combination does not make sense because the objects of Westerman are “screen objects” which appear to be application programs and they are arranged in planes; whereas the arrangement of content in Young is an arrangement of properties of a properties box or an arrangement of portions of a template; how these two distinct types of objects would be

combined to result in the claimed subject matter is not explained by the reason of visual continuity. For example, were they to be combined, a plane might include instances of the word processing application of Young, such as:



However, that combination would not cover the claimed subject matter. A desire for visual continuity fails to explain how this combination would result in the claimed subject matter.

As another example, the office action makes no indication of why any “relationship in the arrangement” in Young would be applied to “defining an arrangement for a plurality of the object groups” to result in “defining an arrangement for a plurality of the object groups, each object group corresponding to at least one relationship in the arrangement” beyond an alleged reason for visual continuity. Claim 1. The subject matter of each reference that are alleged to be combined are sufficiently different (a relationship among text in a template versus arranging objects in a plane) to make this combination appear as a hindsight selection of unrelated portions of different references, and visual continuity alone does not explain how these two portions of subject matter would be combined to result in the claimed subject matter.

As another example, teachings of each of the references teach away from their combination. For example, Young teaches arranging content across tabs in similar position so as to make it easier to view, where there are relationships made across the tabs. In contrast to Young, Westerman teaches arranging content independently across planes, and providing flexibility of placing screen objects. As examples:

"Upon assignment, each object is also automatically assigned to a location of the plane that corresponds to x-y coordinates of viewport display area 82. That location can be changed by clicking on the object with the mouse, and dragging it within viewport display area 82." Col. 9:51-55(emphasis added).
"The interface allows the user to define a set of planes, and to assign each object to one of the planes." Abstract (emphasis added).

Combination of Westerman and Becker Not Sufficient

The given reasons to combine Westerman and Becker includes:

"It would have been obvious to an artisan at the time of the invention to integrate the grouping of interface objects with corresponding graphic patterns of Becker into the object groups of Westerman as modified by Young. Said artisan would have been motivated to combine Becker into the modified Westerman to establish a customized environment pattern (such as color, texture, etc.) for the user to indicate different object groupings and states of objects (i.e. see col. 7 line 10 et seq. of Becker)."

"Becker teaches concurrently displayed regions or two or more non-overlapping background regions (i.e. FIG. 1 et seq. of Becker). It would have been obvious to an artisan at the time of the invention to integrate the background regions of Becker into the object groups of Westerman as modified by Young. Said artisan would have been motivated to combine Becker into the modified Westerman to establish a customized environment pattern (such as color, texture, etc.) for the user to indicate different object groupings and states of objects (i.e. see col. 7 line 10 et seq. of Becker)."

These reasons are not sufficient to produce the portions of the claimed subject matter allegedly disclosed by those references. These reasons are not sufficient for at least the reasons that the alleged reasons to "establish a customized environment pattern (such as color, texture, etc.) for the user" is not disclosed in Becker and the disclosure of Becker would not provide sufficient reason to combine the subject matter of the references to produce the claimed subject matter.

For example, Becker does not disclose the alleged reason of customized environment patterns for a user, let alone the claimed subject matter of generating background regions based

on graphic patterns. Becker merely discloses having tabs with different graphics, which would not provide sufficient reason to combine the subject matter of the references to produce the claimed subject matter. For example, column 7, lines 15- 31 disclose:

“The session tabs may be coded in some way to designate the state of their respective sessions. In the case of instant message exchange sessions, for example, a session may be engaged, non-engaged with no unread messages, non-engaged with at least one unread message, and non-engaged with at least one unread message having just been received. Any suitable coding technique may be used, including such well know coding techniques as color, texture, animation (including flashing), sound, icon, or some combination thereof. One example of **session tab coding** is to use blue to indicate the engaged messaging session, white to indicate all non-engaged messaging sessions which do not contain any unread message, red to indicate all non-engaged messaging sessions which contains at least one unread message, and flashing red to indicate a non-engaged messaging session that has just received a message.” (emphasis added).

In contrast to that section of Becker, the claims relate to background regions. For example, claim 1 recites, in part:

“generating a background region for the GUI for each object group **based on the assigned graphic pattern for the corresponding relationship for the object group;** and

generating the GUI having at least two **concurrently displayed and non-overlapping background regions** each including one or more related graphical structures.” (emphasis added).

There is no explanation for how the tabs of Becker relate to the planes for grouping screen objects of Westerman, let alone the background region 84 of Westerman such that one of ordinary skill in the art would combine the two references, let alone Westerman, Young, and Becker to produce the claimed subject matter.

Thus, for at least the reasons stated above, the combination of the references in a manner that results in the claimed subject matter of independent claims 1, 11, and 21 would not have been obvious. For at the reasons stated above all claims that depend on claims 1, 11, and 21 should also be allowed.

New Claim 22

New Claim 22 is patentable over the cited references for at least the reasons that it recites a combination of features which would not be obvious over the cited references. For example, claim 22 recites, in part:

generating the GUI having first, second, and third graphic patterns as first, second, and third background regions, respectively, wherein:

the object groups comprise a first object group assigned the first graphic pattern, a second object group assigned the second graphic pattern distinct from the first graphic pattern, and a third object group assigned the second graphic pattern distinct from the first and second graphic patterns;

the first, second, and third background regions are concurrently displayed on a same plane of user interaction such that display of the first, second, and third background regions are not affected by user interaction with graphical structures of any of the first, second, and third background regions;

the first, second, and third background regions surround graphical structures of each background region; and

overlapping background regions reflect relationships between objects of graphical structures in each of the first, second, and third background regions.

Thus, claim 22 should be allowed for at least these reasons.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

If there are any questions regarding the response, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-068.

Respectfully submitted,

Date: 9/27/07

/Joseph Juliano/
Joseph Juliano
Reg. No. 54,780

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
9255 Towne Centre Drive, Suite 600
San Diego, CA 92121
Customer No. 64280
Tel.: 858/320-3031
Fax: 858/320-3001

4153380v.1